

APPEAL NO. 041248  
FILED JULY 19, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 28, 2004. The hearing officer decided that the Independent Review Organization decision is supported by a preponderance of the evidence. The appellant (claimant) has timely appealed on evidentiary grounds. There is no response in the appeal file from the respondent (carrier).

DECISION

Reversed and remanded.

Section 410.203(a)(1) requires that the Appeals Panel consider the entire record developed at the hearing. The first of two compact disc recordings of this hearing is unreadable by computer and a sufficient record has not been provided for the purposes of appellate review. The case is remanded to the hearing officer for reconstruction of the CCH record.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Workers' Compensation Commission's Division of Hearings, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods.

The true corporate name of the insurance carrier is **LIBERTY MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**HAMMERMAN & GAINER  
823 CONGRESS, SUITE 300  
AUSTIN, TEXAS 78701.**

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Gary L. Kilgore  
Appeals Judge

CONCUR:

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Chris Cowan  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge